

MARKUN ZUSMAN & COMPTON LLP
JEFFREY K. COMPTON, State Bar No. 142969
DARIA DUB CARLSON, State Bar No. 150628
WILLIAM A. BAIRD, State Bar No. 192675
17383 Sunset Boulevard, Suite A380
Pacific Palisades, California 90272
Telephone: (310) 454-5900
Facsimile: (310) 454-5970

LAW OFFICE OF STEVEN ELSTER
STEVEN ELSTER, State Bar No. 227545
785/E2 Oak Grove Road, #201
Concord, CA 94518-3617
Telephone: (925) 324-2159
Facsimile: (925) 945-1276

Attorneys for Plaintiffs,
JAMES BRADY, SARAH CAVANAGH
AND IVA CHIU

MORRISON & FOERSTER LLP
LINDA E. SHOSTAK, State Bar No. 64599
JAMES E. BODDY, JR., State Bar No. 65244
KATHRYN M. DAVIS, State Bar No. 203454
425 Market Street
San Francisco, California 94105-2482
Telephone: (415)268-7000
Facsimile: (415)268-7522

Attorneys for Defendant,
DELOITTE & TOUCHE LLP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES BRADY, SARAH CAVANAGH,
and IVA CHIU, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

DELOITTE & TOUCHE LLP, a limited
liability partnership; and DOES 1-10,
inclusive,

Defendants

CASE NO.: C-08-00177 SI

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING CLASS
CERTIFICATION SCHEDULE
AND SETTING DISCOVERY
DEADLINES**

STIPULATION

Pursuant to Local Rules 16 and 7-12, Plaintiffs and Defendant, through their respective counsel, submit the following stipulation and [proposed] order regarding the class certification schedule and other discovery dates in this action.

WHEREAS, the current class certification schedule provides that Plaintiffs shall file a motion for class certification no later than October 23, 2009; Defendant shall file an opposition brief no later than November 20, 2009; Plaintiffs shall file a reply brief no later than December 23, 2009; and the hearing on certification shall take place on January 15, 2010;

WHEREAS, the parties recently agreed that Plaintiffs would dismiss one class representative and add an additional class representative;

WHEREAS, the first available date for taking this class representative's deposition is November 16, 2009 and the documents that Defendant may use in connection with this deposition likely cannot be produced to Plaintiffs prior to November 6, 2009;

WHEREAS, the parties believe it is necessary to complete the parties' respective depositions prior to the commencement of briefing on class certification issues;

WHEREAS, since September 10, 2009, Defendant has produced approximately 90,000 pages of documents;

WHEREAS, the parties are still meeting and conferring with respect to the documents produced; and

WHEREAS, the parties have met and conferred and believe that the proposed schedule adjustment and discovery deadlines will provide the parties with sufficient time to address outstanding discovery needs.

1 NOW THEREFORE, the parties hereby stipulate, subject to Court approval, as
2 follows:

- 3 1. Plaintiffs' class certification brief shall be filed no later than
4 November 23, 2009; Defendant's opposition brief shall be filed no later
5 than December 23, 2009; Plaintiffs' reply brief shall be filed no later
6 than January 27, 2010; and the class certification hearing shall be on
7 February 19, 2010 or any date thereafter as is convenient for the Court;
8
- 9 2. Plaintiff Iva Chiu's deposition shall occur on November 16, 2009, or
10 such other date as mutually agreed by the parties, and any documents
11 relating to Ms. Chiu shall be mutually exchanged (including all
12 documents that may be used at her deposition) by no later than
13 November 6, 2009, unless otherwise mutually agreed by the parties.
14
- 15 3. For the Case Management Conference presently set for October 9, 2009,
16 at 3:00 p.m. to be vacated because the parties have reached an agreement
17 on a revised certification schedule without the need for intervention from
18 the Court;
19
- 20 4. For the Case Management Conference presently set for January 29,
21 2010, to be rescheduled to March 5, 2010, at 3:00 p.m. or any date as is
22 convenient for the Court.
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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2
3 COUNSEL FOR PLAINTIFFS

4 DATE: October 7, 2009

By: /s/ William A. Baird

5 WILLIAM A. BAIRD

6 JEFFREY K. COMPTON

7 Markun Zusman & Compton LLP

8 STEVE ELSTER

9 Law Office of Steve Elster

10 COUNSEL FOR DEFENDANTS

11
12 DATE: October 7, 2009

By: /s/ Kathryn M. Davis

13 LINDA E. SHOSTAK

14 JAMES E. BODDY, JR.

Morrison & Foerster LLP

15 **ECF CERTIFICATION**

16 I hereby attest that I have obtained concurrence regarding the filing of this
17 document from each of the signatories within the e-filed document.

18
19 DATE: October 7, 2009

By: /s/ Kathryn M. Davis

20 Kathryn M. Davis

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.
22
23

24
25 DATED: _____



26 Honorable Susan Illston

27 United States District Court Judge
28